

APPEAL NO. 052044  
FILED OCTOBER 4, 2005

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on August 15, 2005. The hearing officer resolved the disputed issue by deciding that the compensable injury does not extend to include bilateral carpal tunnel syndrome (CTS). The appellant (claimant) appealed, disputing the extent-of-injury determination. The respondent (carrier) responded, urging affirmance.

DECISION

Reversed and remanded.

It was undisputed that the claimant sustained a compensable injury on \_\_\_\_\_, when he fell from a three-foot platform at work. The sole issue before the hearing officer was whether the compensable injury extended to include bilateral CTS. The claimant had the burden of proof on the disputed issues of extent of injury. The hearing officer was not persuaded that the compensable injury of \_\_\_\_\_, extended to include bilateral CTS. The hearing officer specifically found that “the first year’s treatment history and complaints were only for cervical and right shoulder injuries, and contained no complaints of or treatment for hand or wrist pain.” In evidence was a medical record dated February 15, 2001, that stated the claimant complained that it hurts to move fingers and a radiation of pain down right arm to hand. Additionally, correspondence dated June 20, 2004, referred to the claimant’s visit on February 15, 2001, and noted that the claimant presented with a complaint of pain in the right side of his neck manifested as a burning sensation, which extended into his shoulders, arms, and all the way to his finger tips. The correspondence also noted that during the February visit, the claimant stated it hurt to move his fingers and that right grip was decreased as compared with the left grip. There is also correspondence dated September 26, 2001, from a physician who performed an independent medical examination that noted the claimant had numbness involving particularly the middle finger and ring finger of the right hand and complained that the pain and numbness is constant. The correspondence also noted that the claimant complained of some tingling sensation involving the index finger of the right hand with pain in the trapezius musculature on the right radiating into the right arm. There is also a report from a therapy center dated March 19, 2001, which notes that the claimant had “pain to the fingers with riduculer [sic] signs.” In evidence is a report from the same therapy center dated May 4, 2001, which notes that the claimant has experienced some shaking sensations in each hand since the compensable injury and that carpal tunnel testing revealed that there is a positive Phalen’s test and a loss of sensation bilaterally, as well as a slowed median nerve conduction and ulnar nerve conduction on the left hand. The report recommended that carpal tunnel night splints worn at night may be of benefit.

The hearing officer's finding that the first year's treatment history and complaints were only for cervical and right shoulder injuries, and contained no complaints of or treatment for hand and wrist pain is against the great weight and preponderance of the evidence. The hearing officer appears to have based his determination that the compensable injury does not extend to include bilateral CTS at least in part on this finding. Therefore, this case is remanded back to the hearing officer to reexamine the evidence and make a decision and order based on that reexamination.

Pending resolution of the remand, a final decision has not been made in this case. However, since reversal and remand necessitate the issuance of a new decision and order by the hearing officer, a party who wishes to appeal from such new decision must file a request for review not later than 15 days after the date on which such new decision is received from the Texas Department of Insurance, Division of Workers' Compensation, pursuant to Section 410.202, which was amended June 17, 2001, to exclude Saturdays and Sundays and holidays listed in Section 662.003 of the Texas Government Code in the computation of the 15-day appeal and response periods.

The true corporate name of the insurance carrier is **INSURANCE COMPANY OF THE STATE OF PENNSYLVANIA** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY  
800 BRAZOS STREET, SUITE 750, COMMODORE 1  
AUSTIN, TEXAS 78701-2554.**

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Margaret L. Turner  
Appeals Judge

CONCUR:

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Thomas A. Knapp  
Appeals Judge

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Robert W. Potts  
Appeals Judge